



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SFR 2012-1 US WEST, LLC,	)	NO. CV 14-596 UA
	)	(DUTYx)
	)	
Plaintiff,	)	ORDER SUMMARILY REMANDING
v.	)	
	)	IMPROPERLY-REMOVED ACTION
DANIELLE MORGAN, CHOI MORGAN,	)	
CORDELL CHANCE, DOROTHY	)	
HINES, AND DOES 1 TO 10,	)	
	)	
Defendants.	)	
	)	
	)	

The Court will remand this unlawful detainer action to state court summarily because Defendant CORDELL CHANCE ("Defendant") removed it improperly.

On January 24, 2014, Defendant, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To

1 prevent the action from remaining in jurisdictional limbo, the  
2 Court issues this Order to remand the action to state court.

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4 Under 28 U.S.C. § 1331, district courts "have original  
5 jurisdiction of all civil actions arising under the Constitution,  
6 laws, or treaties of the United States." Federal jurisdiction is  
7 presumed absent unless defendant, as the party seeking to invoke  
8 the court's jurisdiction, shows that plaintiff has either alleged  
9 a federal cause of action, American Well Works Co. v. Layne &  
10 Bowler Co., 241 U.S. 257, 260 (1916), a state cause of action that  
11 turns on a substantial dispositive issue of federal law, Franchise  
12 Tax Board v. Construction Laborers Vacation Trust, 463 U.S. 1, 9  
13 (1983), or a state cause of action that Congress has transformed  
14 into an inherently federal cause of action by completely preempting  
15 the field of its subject matter. Metropolitan Life Ins. Co. V.  
16 Taylor, 481 U.S. 58, 65 (1987). Under 28 U.S.C. § 1332(a),  
17 "district courts also have original jurisdiction of all civil  
18 actions where the matter in controversy exceeds the sum or value of  
19 \$75,000, exclusive of interest and costs, and is between . . .  
20 citizens of different states." See also Matheson v. Progressive  
21 Specialty Ins. Co., 319 F.3d 1089, 1090 (9th Cir. 2003).

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23 Defendant's notice of removal only asserts that removal is  
24 proper based upon federal question jurisdiction, alleging that the  
25 state court action filed by plaintiff "arises under the Fourteenth  
26 Amendment of the Constitution." (Notice at 2). However, the  
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1 underlying unlawful detainer action does not raise any federal  
2 legal question. Nor does it appear that federal law is a necessary  
3 element of any of plaintiff's claims. See Wells Fargo Bank v.  
4 Lapeen, No. C 11-01932 LB, 2011 WL 2194117, \*3 (N.D. Cal. June 6,  
5 2011) ("an unlawful detainer action, on its face, does not arise  
6 under federal law but is purely a creature of California law,"  
7 citing Wescom Credit Union v. Dudley, No. CV 10-8203-GAF (SSx),  
8 2010 WL4916578, \*2 (C.D. Cal. Nov. 22, 2010) (remanding an action  
9 to state court for lack of subject matter jurisdiction where  
10 plaintiff's complaint contained only an unlawful detainer claim).  
11 Moreover, "the existence of a defense based upon federal law is  
12 insufficient to support federal-question jurisdiction." Hall v.  
13 North American Van Lines, Inc., 476 F.3d 683, 687 (9th Cir. 2007)  
14 (quoting Wayne v. DHL Worldwide Express, 294 F.3d 1179, 1183 (9th  
15 Cir. 2002).

16  
17 Simply put, this action could not have been originally filed  
18 in federal court, because the complaint does not competently allege  
19 facts supplying either diversity or federal-question jurisdiction,  
20 and therefore removal is improper. 28 U.S.C. § 1441(a); see Exxon  
21 Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563 (2005).  
22 Moreover, defendant has not alleged complete diversity of  
23 citizenship between the parties and has not established that the  
24 amount in controversy exceeds \$75,000. See 28 U.S.C. § 1332(a).

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26 Defendant is further notified and warned that any subsequent  
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1 attempts to remove the underlying state unlawful detainer action to  
2 this Court will be improper and will constitute vexatious conduct  
3 that the Court will address by way of punitive remedial measures,  
4 which may include having defendant designated as a vexatious  
5 litigant and barred from commencing any further removal actions  
6 with respect to the underlying state unlawful detainer action.

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8 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to  
9 the Superior Court of California, County Of Los Angeles, 111 North  
10 Hill Street, Los Angeles, California 90012, for lack of subject  
11 matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the  
12 Clerk send a certified copy of this Order to the state court; and  
13 (3) that the Clerk serve copies of this Order on the parties.

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15 IT IS SO ORDERED.

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17 DATED: 1/31/14

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21 GEORGE H. KING  
22 CHIEF UNITED STATES DISTRICT JUDGE  
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